

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES REGINALD BARNES,

Petitioner,

v.

DOUG WADDINGTON,

Respondent.

Case No. C06-5214 FDB

ORDER ADOPTING REPORT AND  
RECOMMENDATION GRANTING  
MOTION TO DISMISS AND DENYING  
PETITION FOR WRIT OF HABEAS  
CORPUS

The Court, having reviewed the petition, the Report and Recommendation of the Hon. J. Kelley Arnold, United States Magistrate Judge, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) Respondent's motion to dismiss is GRANTED;
- (3) The petition for writ of habeas corpus is DENIED; and
- (4) The Clerk is directed to send copies of this Order to petitioner, to counsel for respondent, and to the Hon. J. Kelley Arnold.

DATED this 17<sup>th</sup> day of November, 2006.



FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE